

The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TIMOTHY DIETZ,

Plaintiff,

v.

MIDLAND CREDIT MANAGEMENT, INC.,

Defendant.

Case No. 3:14-cv-05837-RBL

**DEFENDANT'S MOTION TO STRIKE
COMPLAINT AND DISMISS CASE**

NOTE ON MOTION CALENDAR:
1/9/2015

I. MOTION

Pursuant to Fed. R. Civ. P. 12(e), defendant moves to strike the complaint and to dismiss the case based on plaintiff's failure to obey the court's November 25, 2014 order. This motion is supported by the following Points and Authorities.

II. POINTS AND AUTHORITIES

Under Fed. R. Civ. P. 12(e), "[i]f the court orders a more definite statement and the order is not obeyed within 14 days after notice of the order or within the time the court sets, the court may strike the pleading or issue any other appropriate order."

Here, on November 25, 2014, the court granted defendant's motion for a more definite statement. (ECF No. 10). The court's order expressly required plaintiff to file an amended complaint within 14 days of the date of the order – *i.e.*, by December 9, 2014. (*Id.* at ¶ 2). Plaintiff failed to file an amended complaint by that deadline. To date – 22

1 days since the court's order – plaintiff still hasn't file an amended complaint. His failure
2 to obey the court's order warrants the striking of his pleading and the dismissal of this
3 case. See Fed. R. Civ. P. 12(e); *Chennareddy v. Dodaro*, 282 F.R.D. 9, 14 (D.D.C.
4 2012).

5 III. CONCLUSION

6 The court should grant defendant's motion to strike and dismiss this case.

7 DATED: December 17, 2014

8 COSGRAVE VERGEER KESTER LLP

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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2014, I electronically filed the foregoing
DEFENDANT'S MOTION TO STRIKE COMPLAINT AND DISMISS CASE with the
Clerk of the Court using the CM/ECF System which will send notification of such filing to
the following:

Timothy Dietz
3501 S 38th Street #Y69
Tacoma, WA 98409
Plaintiff *Pro Se*

DATED: December 17, 2014

/s/Robert E. Sabido

Robert E. Sabido